

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 16TH DAY OF JUNE 1998

BEFORE

THE HON'BLE M.R. JUSTICE CHANDRASHEKARAIH

WRIT PETITION NOS. 22324-22325/1997.

IN W.P.NO. 22324/1997:

BETWEEN:

Sri Chandrashekar Shivalingappa
Bilgundi, aged about 78 years,
Occ. Business, R/at Bilgundi
Gardens, Sedam Road,
Gulbarga-5.

IN W.P.NO. 22325/1997:

Sri. Bhimashankar,
S/o. Sri Chandrashekar,
Shivalingappa Bilgundi,
aged about 45 years,
Occ: Business,
R/at Bilgundi Gardens,
Sedam Road, Gulbarga-5.

: PETITIONERS

(Sri.G.S. Visweswara for Petitioners)

AND:

1. State of Karnataka,
rep. by its Secretary and
Commissioner, Housing & Urban
Development Department,
Vidhana Soudha,
Bangalore-560 001.

2. Gulbarga Urban Development
Authority, rep. by its Commissioner,
Office of the Gulbarga Urban
Development Authority, Gulbarga.

3. The Chairman,
Gulbarga Urban Development Authority,
Gulbarga City. : RESPONDENTS

(Sri.K.Nagaraja, HCGP, for R-1
Sri.Basava Prabhu Patil for R-2 & R-3)

These Writ Petitions filed under Articles 226 &
227 of the Constitution of India with an affidavit
praying to declare section 32 (5) of the Karnataka
Urban Development Authorities Act, 1987 as void and
invalid in so far as it relates to taking away the
ownership of the parks, open space, civic amenities
area without compensation and etc.,

These Writ Petitions coming on for preliminary hearing in 'B' group this day, the Court made the following:

O R D E R

Sri Basavaprabhu Patil takes notice for respondents 2 and 3.

The petitioner in this writ petition has challenged the validity of Section 32 (5) of the Karnataka Urban Development Authority Act, 1987. This Court in W.P.21413/94 upheld the validity of Section 32 (5) of the Urban Development Authority Act. Following the said decision and for the reasons stated therein these writ petitions are liable to be dismissed. Accordingly, these writ petitions are rejected.

Sd/-Judge.

T. by: JL

R. by: *TP/9/98*

C. by: *Vlx*

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Wz

Assistant Registrar
High Court of Karnataka
Bangalore-560 001.

BE 26/x



